



## COVERSHEET

<b>Minister</b>	Hon Iain Lees-Galloway	<b>Portfolio</b>	Workplace Relations and Safety
<b>Title of Cabinet paper</b>	Government response to Film Industry Working Group recommendations	<b>Date of release</b>	16 July 2019

### List of documents to be proactively released

<b>Date</b>	<b>Title</b>	<b>Author</b>
29 May 2019	Cabinet paper: Government response to Film Industry Working Group recommendations	Office of Hon Iain Lees-Galloway
October 2018	FIWG's recommendations to government (Cabinet paper annex)	Film Industry Working Group
29 May 2019	Summary of government response to FIWG recommendations (Cabinet paper annex)	Office of Hon Iain Lees-Galloway
24 May 2019	Regulatory Impact Statement: A collective bargaining framework for screen production workers (Cabinet paper annex)	Ministry of Business, Innovation and Employment
29 May 2019	Cabinet Economic Development Committee: Minute of Decision (DEV-19-MIN-0140)	Cabinet Office

### Information redacted

**YES**

Any information redacted in this document is redacted in accordance with MBIE's policy on Proactive Release and is labelled with the reason for redaction. This may include information that would be redacted if this information was requested under the Official Information Act 1982.

Please note that some information has been withheld for the following reasons:

- Confidential advice to Government
- Commercial Information



# Cabinet Economic Development Committee

## Minute of Decision

*This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.*

### Government Response to the Film Industry Working Group's Recommendations

Portfolio                      Workplace Relations and Safety

On 29 May 2019, the Cabinet Economic Development Committee:

#### New regulatory framework for contractors doing screen production work

1        **noted** that in December 2017, the Cabinet Business Committee:

- 1.1      agreed to establish the Film Industry Working Group (FIWG) to recommend regulatory changes to allow film production workers to bargain collectively;
- 1.2      invited the Minister for Workplace Relations and Safety to report to Cabinet on the government response to the Working Group's recommendations;

[CBC-17-MIN-0077]

2        **noted** that in October 2018, the FIWG submitted its recommendations to the government on a collective bargaining model for contractors doing screen production work;

3        **agreed** to endorse the FIWG's recommendations, subject to limiting the scope of workers covered by their proposed model, as set out in Annex 2 to the paper under DEV-19-SUB-0140;

#### Scope of the new regulatory framework

4        **agreed** to retain the carve-out for film production workers from the definition of an employee under the Employment Relations Act 2000, unless they are party to a written employment agreement;

5        **agreed** to extend the carve-out from employee status to people doing screen production work (covering work on films, drama serials, commercials and video games), unless they are party to a written employment agreement;

6        **agreed** that the regulatory framework proposed in the paper under DEV-19-SUB-0140 will only apply to contractors doing screen production work, and those who engage the services of these contractors;

7        **agreed** to amend the Commerce Act 1986 to provide for an exemption for collective bargaining by contractors doing screen production work that is no broader than necessary to achieve the policy objectives in the paper under DEV-19-SUB-0140;

- 8 **noted** that employees doing screen production work will remain within the employment relations and employment standards regulatory system;

### Legislative implications

- 9 Confidential advice to Government

- 10 **invited** the Minister for Workplace Relations and Safety to issue drafting instructions to the Parliamentary Counsel Office to give effect to the above paragraphs;
- 11 **authorised** the Minister for Workplace Relations and Safety to make decisions, consistent with the policy framework in the paper under DEV-19-SUB-0140, on any issues that arise during the drafting process;
- 12 **authorised** the Minister for Workplace Relations and Safety to consult with parties in the screen industry on draft legislation giving effect to the above paragraphs;
- 13 **agreed** that the proposed legislation will bind the Crown;

### Publicity

- 14 **noted** that the Minister for Workplace Relations and Safety intends to announce the government response to the FIWG's recommendations, and the matters referred to in paragraphs 3-8 above in particular.

Janine Harvey  
Committee Secretary

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#### Present:

Rt Hon Winston Peters  
Hon Kelvin Davis  
Hon Grant Robertson (Chair)  
Hon Phil Twyford  
Hon Chris Hipkins  
Hon David Parker  
Hon Nanaia Mahuta  
Hon Stuart Nash  
Hon Iain Lees-Galloway  
Hon Jenny Salesa  
Hon Damien O'Connor  
Hon Willie Jackson  
Hon James Shaw  
Hon Eugenie Sage

#### Officials present from:

Office of the Prime Minister  
Officials Committee for DEV

#### Hard-copy distribution:

Minister for Workplace Relations and Safety